

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO**

**INFRACTION  
PETITION FOR DISMISSAL PACKET  
(Penal Code § 1203.4a)**



<b>FORMS INCLUDED IN THIS PACKET</b>	
General Information for Petitions for Dismissal - Infraction	SDSC Form #MO-037
Petition and Order for Dismissal – Infraction	SDSC Form #MO-038



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- ☐ CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101
- ☐ CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123
- ☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020
- ☐ EAST COUNTY DIVISION, RAMONA, 1428 MONTECITO RD., RAMONA, CA 92065
- ☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
- ☐ NORTH COUNTY DIVISION, ANNEX BUILDING, 325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

### GENERAL INFORMATION FOR PETITIONS FOR DISMISSAL UNDER PEN. CODE § 1203.4a INFRACTIONS

Eligibility	Statute	<p>The following are requirements of Pen. Code § 1203.4a:</p> <p>If more than one year has elapsed since the date of sentencing, defendant may be eligible for relief if all of the following are met:</p> <ul style="list-style-type: none"> <li>▶ Defendant has fully complied with and performed the sentence of the court.</li> <li>▶ Defendant is not currently serving a sentence for any offense.</li> <li>▶ Defendant is not currently on probation for any offense.</li> <li>▶ Defendant is not currently charged with committing any offense.</li> <li>▶ Since the pronouncement of judgment, defendant has lived an honest and upright life and has conformed to laws of the land.</li> </ul>
	Ineligible Violations	Any provision of the Vehicle Code or a local ordinance adopted pursuant to the Vehicle Code is not eligible for relief under Pen. Code § 1203.4a.
	Case Status	<p>The case must be an ADJUDICATED MATTER. This means that defendant has entered a plea of guilty, no contest, or a guilty verdict was entered, and defendant was sentenced, or bail was forfeited. The following case dispositions are <b>not</b> eligible for relief:</p> <ul style="list-style-type: none"> <li>▶ The charge(s) were dismissed upon completion of Pen. Code § 1000 diversion.</li> <li>▶ The case has previously been dismissed.</li> </ul>
Application	Location	The petition for dismissal must be filed in the court in which the case was initially filed.
	Form	Court policy requires the filing of Petition For Dismissal (SDSC Form #MO-038) for all applications for dismissal. Multiple case numbers for the same defendant must be placed on separate petition(s).
	Notice to the Prosecuting Agency	Pursuant to Pen. Code § 1203.4a(d), the appropriate prosecuting agency must be given 15 calendar days notice of the filing of the petition to allow time for the filing of an optional objection to the petition. It is the petitioner's responsibility to serve the prosecuting agency with any petitions filed.
	Records Check	The information provided in the petition will be verified by a records check.
	Processing Time	The processing of the petition may take approximately four to eight weeks from the date it is filed.
Older Records	<p>Gov. Code § 68152 allows most infraction case records to be destroyed after three years (two years for Health &amp; Saf. § 11357(b) convictions). The court may not be able to process a petition filed after the case records have been destroyed unless documentation of the appropriate court records can be provided. The following documentation is acceptable:</p> <ul style="list-style-type: none"> <li>▶ Certified copies of the citation/complaint, conviction, and any clerk's minutes in the case.</li> <li>▶ A Department of Justice abstract of defendant's criminal history, which may be obtained by contacting: <ul style="list-style-type: none"> <li>Department of Justice                      Telephone: (916) 227-3832</li> <li>Records Review Unit                      Website: <a href="http://oag.ca.gov">http://oag.ca.gov</a></li> <li>P.O. Box 903417</li> <li>Sacramento, CA 94203-4170</li> </ul> </li> </ul>	
Granting of the Petition	<p>A notation will be entered on the record that relief was granted, but granting relief does NOT seal, destroy, or remove any entries from the court, law enforcement, or Department of Justice records; nor does it relieve the defendant of obligations/consequences related to possession or control of firearms, driver license revocation or holding public office. (See Pen. Code §§ 29800 et seq., 29900(a); Veh. Code § 13555.)</p>	

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   <div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.:</div> <div>FAX NO. (Optional):</div> </div> E-MAIL ADDRESS (Optional):  ATTORNEY FOR (Name):	(FOR COURT USE ONLY)
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> <input type="checkbox"/> CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., STE. 350, VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	
PLAINTIFF <div style="text-align: center;"><b>PEOPLE OF THE STATE OF CALIFORNIA</b></div>	
DEFENDANT	
<b>PETITION AND ORDER FOR DISMISSAL – INFRACTION</b>	CASE NUMBER

**PETITION**

Defendant hereby petitions for dismissal pursuant to Pen. Code § 1203.4a.

**STATEMENT OF FACTS**

Defendant's full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Defendant's address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Driver License No.: \_\_\_\_\_

Defendant was convicted on \_\_\_\_\_ of the following charges: \_\_\_\_\_

Pronouncement of judgment occurred more than one year ago, on \_\_\_\_\_.

Defendant is entitled to the relief requested based on the following:

- ☐ Defendant has fully complied with and performed the sentence of the court.
- ☐ Defendant is not currently serving a sentence on any offense.
- ☐ Defendant is not currently on probation for any offense.
- ☐ Defendant is not currently charged with committing any offense.
- ☐ Since the pronouncement of judgment, defendant has lived an honest and upright life and has conformed to and obeyed the laws of the land.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_ at \_\_\_\_\_ (City) \_\_\_\_\_ (State) by \_\_\_\_\_ Defendant / Attorney for Defendant

**Petition must be served on the prosecuting agency. The court will mail the decision within four to eight weeks of filing this petition.**

Distribution by: \_\_\_\_\_ on \_\_\_\_\_ to ☐ Prosecutor – Courtesy Copy ☐ Defendant ☐ Pre-trial Services

**ORDER**

☐ Petition is GRANTED.
 ☐ Petition is DENIED.

Date: \_\_\_\_\_ Judge/Commissioner of the Superior Court

Distribution by: \_\_\_\_\_ on \_\_\_\_\_ to ☐ Prosecutor – Courtesy Copy ☐ Defendant